

COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY/DESIGN/CIP/PCT NATIONAL/PLANT/ORIGINAL/
SUBSTITUTE/SUPPLEMENTAL DECLARATIONS

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"PENETRABLE CAP":

the specification of which

☐ is attached hereto.

☒ was filed on November 1, 2000 as U.S. Application No. 09/704,210

☐ was filed as PCT International Application No. PCT/_____/_____ on _____

and (if applicable to U.S. or PCT application) was amended on _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56. I hereby claim foreign priority benefits under 35 U.S.C. § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S)

Priority Claimed

Number	Country	Day/Month/Year Filed	Date first Laid Open or Published	Date Patented/Granted	Yes	No
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I hereby claim the benefit under 35 U.S.C. §119/120/365 of any United States application(s) listed below and PCT International applications listed above or below and, if this is a Continuation-In-Part (CIP) insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NON-PROVISIONAL AND/OR PCT APPLICATION(S)

Priority Claimed

<u>09/675,641</u> Application Serial No.	<u>29/09/00</u> Day/Month/Year Filed	<u>Pending</u> Status - patented, pending, abandoned	<u>X</u> Yes	<u> </u> No
<u>09/570,124</u> Application Serial No.	<u>12/05/00</u> Day/Month/Year Filed	<u>Pending</u> Status - patented, pending, abandoned	<u>X</u> Yes	<u> </u> No
<u>60/134,265</u> Application Serial No.	<u>14/05/99</u> Day/Month/Year Filed	<u>Abandoned</u> Status - patented, pending, abandoned	<u>X</u> Yes	<u> </u> No

COPY

COMBINED DECLARATION AND
POWER OF ATTORNEY

GP106-05.CP2

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: CHARLES B. CAPPELLARI, Registration No. 40,937; CHRISTINE A. GRITZMACHER, Registration No. 40,627; MICHAEL J. GILLY, Registration No. 42,579; and PETER R. SHEARER, Registration No. 28,117.

Address all telephone calls to: CHARLES B. CAPPELLARI, at telephone no. (858)410-8927.

Address all correspondence to: CHARLES B. CAPPELLARI, PATENT DEPARTMENT,
GEN-PROBE INCORPORATED, 10210 GENETIC CENTER DRIVE, SAN DIEGO, CALIFORNIA 92121

Full name of first inventor: Bruce W. Anderson

Inventor's signature B. W. Anderson Date 12-6-2000

Residence: 9183 Hermosa Avenue, Rancho Cucamonga, CA 91730

Citizenship: United States of America

Post Office Address: 9183 Hermosa Avenue, Rancho Cucamonga, CA 91730

Full name of second inventor: Nick M. Carter

Inventor's signature _____ Date _____

Residence: 132 Dannyn Grove Court, Mooresville, N.C. 28117

Citizenship: United States of America

Post Office Address: 132 Dannyn Grove Court, Mooresville, N.C. 28117

Full name of third inventor: Mordi I. Iheme

Inventor's signature _____ Date _____

Residence: 9888 Erma Road, Suite 47, San Diego, CA 92196-0965

Citizenship: United States of America

Post Office Address: 9888 Erma Road, Suite 47, San Diego, CA 92196-0965

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Full name of first inventor: Bruce W. Anderson

Inventor's signature _____

Date _____

Residence: 9183 Hermosa Avenue, Rancho Cucamonga, CA 91730

Citizenship: United States of America

Post Office Address: 9183 Hermosa Avenue, Rancho Cucamonga, CA 91730

Full name of second inventor: Nick M. Carter

Inventor's signature 

Date 11-18-00

Residence: 132 Dannyn Grove Court, Mooresville, N.C. 28117

Citizenship: United States of America

Post Office Address: 132 Dannyn Grove Court, Mooresville, N.C. 28117

Full name of third inventor: Mordi I. Iheme

Inventor's signature _____

Date _____

Residence: 9888 Erma Road, Suite 47, San Diego, CA 92196-0965

Citizenship: United States of America

Post Office Address: 9888 Erma Road, Suite 47, San Diego, CA 92196-0965

COMBINED DECLARATION AND
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Address all correspondence to: CHARLES B. CAPPELLARI, PATENT DEPARTMENT,
GEN-PROBE INCORPORATED, 10210 GENETIC CENTER DRIVE, SAN DIEGO, CALIFORNIA 92121

Full name of first inventor: Bruce W. Anderson

Inventor's signature _____ Date _____

Residence: 9183 Hermosa Avenue, Rancho Cucamonga, CA 91730

Citizenship: United States of America

Post Office Address: 9183 Hermosa Avenue, Rancho Cucamonga, CA 91730

Full name of second inventor: Nick M. Carter

Inventor's signature _____ Date _____

Residence: 132 Dannyn Grove Court, Mooresville, N.C. 28117

Citizenship: United States of America

Post Office Address: 132 Dannyn Grove Court, Mooresville, N.C. 28117

Full name of third inventor: Mordi I. Iheme

Inventor's signature Mordi Iheme Date 12/08/00

Residence: 9888 Erma Road, Suite 47, San Diego, CA 92196-0965

Citizenship: United States of America

Post Office Address: 9888 Erma Road, Suite 47, San Diego, CA 92196-0965

COMBINED DECLARATION AND
POWER OF ATTORNEY

GP106-05.CP2

Full name of fourth inventor: Shirley J. Johnson

Inventor's signature Shirley J. Johnson

Date 11/13/00

Residence: 4318 Collins Court, #10, Mountain View, CA 94040

Citizenship: United States of America

Post Office Address: 4318 Collins Court, #10, Mountain View, CA 94040

Full name of fifth inventor: Daniel L. Kacian

Inventor's signature Daniel L. Kacian

Date 11/16/00

Residence: 3911 Tambor Road, San Diego, CA 92124

Citizenship: United States of America

Post Office Address: 3911 Tambor Road, San Diego, CA 92124

Full name of sixth inventor: James P. Light II

Inventor's signature James P. Light II

Date 11-16-00

Residence: 1121 Ivy Hill Drive, San Diego, CA 92131

Citizenship: United States of America

Post Office Address: 1121 Ivy Hill Drive, San Diego, CA 92131

Full name of seventh inventor: Gus G. Tseo

Inventor's signature Gus G. Tseo

Date 12/11/00

Residence: 12810 Corbett Court, San Diego, CA 92130

Citizenship: United States of America

Post Office Address: 12810 Corbett Court, San Diego, CA 92130

106-02

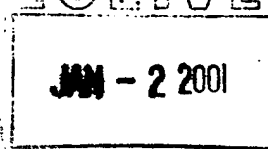


UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DECEMBER 16, 2000

PTAS

GEN-PROBE INCORPORATED
CHARLES B. CAPPELLARI
10210 GENETIC CENTER DRIVE
SAN DIEGO CA 92121



101496483A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/11/2000

REEL/FRAME: 011171/0773
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ANDERSON, BRUCE W.

DOC DATE: 07/05/2000

ASSIGNOR:

CARTER, NICK M.

DOC DATE: 06/20/2000

ASSIGNOR:

IHEME, MORDI I.

DOC DATE: 06/22/2000

ASSIGNOR:

KACIAN, DANIEL L.

DOC DATE: 06/23/2000

ASSIGNOR:

LIGHT, JAMES P.

DOC DATE: 06/21/2000

ASSIGNOR:

TSEO, GUS

DOC DATE: 06/21/2000

COPY

011171/0773 PAGE 2

ASSIGNEE:

GEN-PROBE INCORPORATED
10210 GENETIC CENTER DRIVE
SAN DIEGO, CALIFORNIA 92121

SERIAL NUMBER: 09570124
PATENT NUMBER:

FILING DATE:
ISSUE DATE:

KIMBERLY WHITE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

10-25-2000



101496483

TO THE ASSISTANT COMMISSIONER

1 original documents or copy thereof.

1. Name of conveying party(ies): (If multi, numerically)

1. Bruce W. Anderson
2. Nick M. Carter
3. Mordi I. Iheme
4. Daniel L. Kacian
5. James P. Light
6. Gus Tseo

MWD
1.11.00

2. Name and address of receiving party(ies):

Name: Gen-Probe Incorporated
Street Address: 10210 Genetic Center Drive
City: San Diego State: California ZIP: 92121

Additional name(s) of receiving party(ies) attached?
() Yes (X) No

3. Nature of conveyance:

- (X) Assignment
() Merger
() Security Agreement
() Change of Name
() Other:

Execution Date:

1. ~~Undated~~ July 5, 2000
2. June 20, 2000
3. June 22, 2000
4. June 23, 2000
5. June 21, 2000
6. June 21, 2000

4. Application number(s) or Patent number(s):

() Application(s) filed herewith Execution Date(s):

(X) Patent Application Serial No. 09/570,124
Filing Date: May 12, 2000

() Patent No.:
Issue Date:

Additional numbers attached? () Yes (X) No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Gen-Probe Incorporated
Street Address: 10210 Genetic Center Drive
City: San Diego State: CA ZIP: 92121
Attorney's Docket No. GP106-02.UT

7. Total fee (37 CFR 3.41): \$ 40.00

(X) Enclosed

8. Deposit account number: 07-0835

Please charge this account for any additional fees which may be required, or credit any overpayment to this account. A duplicate copy of this page is enclosed for that purpose.

6. Total number of applications and patents involved: 1

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct, and any attached copy is a true copy of the original document.

Charles B. Cappellari Reg. No. 40,937
Name of Person Signing

Charles B. Cappellari
Signature

7.7.2000
Date

Total number of pages including cover sheet, attachments and document: 5

Mail documents to be recorded with required cover sheet information to:

08/02/2000 MTHAI1 00000191 09570124

01 FC:581

40.00 OP

Box Assignment
Director-U.S. Patent and Trademark Office
Washington, D.C. 20231

ASSIGNMENT


FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, we, **Bruce W. Anderson of Rancho Cucamonga, California**, personally and on behalf of Andercraft Products, Inc.; **Nick M. Carter of Mooresville, North Carolina**; **Mordi I. Iheme of San Diego, California**; **Daniel L. Kacian of San Diego, California**; **James P. Light of San Diego, California** and **Gus Tseo of San Diego, California** (hereinafter collectively "ASSIGNOR"), do hereby sell, assign and transfer unto **Gen-Probe Incorporated**, a corporation duly organized and existing under the laws of the State of Delaware and having its principal office and place of business at **10210 Genetic Center Drive, San Diego, California 92121**, and its successors, assigns and legal representatives (hereinafter collectively "ASSIGNEE"), the entire right, title and interest throughout the world in and to those inventions and improvements which are the subject of a United States utility patent application entitled **"Penetrable Cap and Fluid Transfer Device for Use Therewith,"** filed on **May 12, 2000**, as **U.S. Application Serial No. 09/570,124** (hereinafter "the application"), and to said United States utility patent application and any and all continuation, divisional, continuation-in-part, reissue and substitute applications thereof, and all rights of priority under International Conventions and applications for Letters Patent filed for said inventions and improvements in any country or countries foreign to the United States, together with all Letters Patent issuing on any of the aforesaid applications for Letters Patent and all extensions and renewals thereof.

AND ASSIGNOR HEREBY AUTHORIZES ASSIGNEE to make applications in all countries in the names of the ASSIGNOR or in the name of the ASSIGNEE for Letters Patent and like rights of exclusion and for inventor's certificates for said inventions and improvements.

AND ASSIGNOR HEREBY COVENANTS AND AGREES to communicate to ASSIGNEE all facts known to ASSIGNOR concerning said inventions and improvements, and to testify in any legal proceeding, sign all lawful papers, execute all regular, continuation, division, continuation-in-part and reissue applications, make all rightful oaths, and to perform any other reasonable and lawful act to assist ASSIGNEE in obtaining full protection and title in and to said inventions and improvements in all countries.

AND ASSIGNOR HEREBY AUTHORIZES AND REQUESTS the Commissioner of Patents and Trademarks to issue all Letters Patent of the United States for said inventions and improvements to ASSIGNEE in accordance with the terms of this instrument.

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,
this 5th day of July, 2000.

By: 
Bruce W. Anderson
personally and on behalf of
Andercraft Products, Inc.

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,
this _____ day of _____, 2000.

By: _____
Nick M. Carter

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,
this _____ day of _____, 2000.

By: _____
Mordi I. Iheme

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,
this _____ day of _____, 2000.

By: _____
Daniel L. Kacian

AND ASSIGNOR HEREBY AUTHORIZES AND REQUESTS the Commissioner of Patents and Trademarks to issue all Letters Patent of the United States for said inventions and improvements to ASSIGNEE in accordance with the terms of this instrument.

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,
this _____ day of _____, 2000.

By: _____
Bruce W. Anderson
personally and on behalf of
Andercraft Products, Inc.

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,
this 20 day of JUNE, 2000.

By: _____
Nick M. Carter

IN WITNESS WHEREOF, I hereto set my hand and seal at San Diego Ca.,
this 22 day of June, 2000.

By: _____
Mordi I. Iheme

IN WITNESS WHEREOF, I hereto set my hand and seal at San Diego, CA,
this 23 day of JUNE, 2000.

By: _____
Daniel L. Kacian

ASSIGNMENT

Atty. Docket No. GP106-02.UT
U.S. Serial No. 09/570,124

IN WITNESS WHEREOF, I hereto set my hand and seal at San Diego, CA,
this 21 day of June, 2000.

By: James P. Light II
James P. Light

IN WITNESS WHEREOF, I hereto set my hand and seal at San Diego, CA,
this 21st day of June, 2000.

By: Gus Tseo
Gus Tseo